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OGC 74-1408
22 August 1974

OGC Has Reviewed

MEMORANDUM FOR: Director of Security

SUBJECT : Proposed Revision of Polygraph Questions

1. The proposed revision of polygraph questions has been reviewed by this Office as requested. It is understood that the intent of the revision is to broaden the definition of the type of organization and activities participation in which is of interest to this Agency.

2. To the extent that some of the questions seem to emphasize interest in mere association with the proscribed group, they do not confirm to the spirit of Executive Order 11785 (Tab A) nor with Civil Service Commission Bulletin 731-1 and attachment (Tab B). These directives make it clear that mere membership in a subversive organization is not a proper test of employee suitability. The important factor is membership with knowledge of the unlawful purpose of the organization and with specific intent to carry out its unlawful purpose.

3. Proposed question 4 makes mere membership in a Communist organization the subject of the inquiry. This is in conflict with Section 2 of the attached Executive Order, which states that the listing of subversive organizations is abolished and shall not be used for any purpose.

4. Proposed question 6 enshrines guilt by association. The inquiry should be directed at an intent to carry out an unlawful purpose.

5. These considerations warrant further revision or addition to the set of polygraph questions. If assistance in drafting questions would be useful, please contact this Office again.



Office of General Counsel

STATINTL

Attachments